



General Assembly

January Session, 2007

***Raised Bill No. 7217***

LCO No. 4449

\*04449\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT CONCERNING DISCHARGE SAVINGS ACCOUNTS FOR  
INMATES, RESPONSIBILITY FOR OBTAINING BIOLOGICAL  
SAMPLES FROM CERTAIN PAROLEES AND DISCHARGE OF  
MENTALLY ILL PRISONERS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 18-85 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2007*):

3 (a) The [commissioner] Commissioner of Correction, after  
4 consultation with the Commissioner of Administrative Services and  
5 the Secretary of the Office of Policy and Management, shall establish a  
6 schedule of compensation for services performed on behalf of the state  
7 by inmates of any institution or facility of the department. Such  
8 schedule shall recognize degrees of merit, diligence and skill in order  
9 to encourage inmate incentive and industry.

10 [Sums] (b) Compensation so earned shall be deposited, under the  
11 direction of the administrative head of such institution or facility, in an  
12 inmate's individual account in a savings bank or state bank and trust  
13 company in this state, and funds from such account may be transferred  
14 to the inmate's discharge savings account pursuant to section 2 of this

15 act. Any amount in such accounts shall be paid to the inmate on [his]  
16 the inmate's discharge, [; but] except that the warden or Community  
17 Correctional Center Administrator may, while the inmate is in  
18 custody, disburse any compensation earned by such inmate in  
19 accordance with the following priorities: (1) Federal taxes due; (2)  
20 restitution or payment of compensation to a crime victim ordered by  
21 any court of competent jurisdiction; (3) payment of a civil judgment  
22 rendered in favor of a crime victim by any court of competent  
23 jurisdiction; (4) victims compensation through the criminal injuries  
24 account administered by the Office of Victim Services; (5) state taxes  
25 due; (6) support of [his] the inmate's dependents, if any; (7) [his] the  
26 inmate's necessary travel expense to and from work and other  
27 incidental expenses; (8) costs of such inmate's incarceration under  
28 section 18-85a and regulations adopted in accordance with said  
29 section; and (9) payment to the clerk of the court in which an inmate of  
30 a community correctional center, held only for payment of a fine, was  
31 convicted, such portion of such compensation as is necessary to pay  
32 such fine. Any interest that accrues shall be credited to any  
33 institutional fund established for the welfare of inmates.  
34 Compensation under this section shall be in addition to any  
35 compensation received or credited under section 18-50.

36 Sec. 2. (NEW) (*Effective July 1, 2007*) (a) The Commissioner of  
37 Correction shall require each inmate to accumulate savings to be paid  
38 to the inmate on the inmate's discharge by establishing a discharge  
39 savings account on behalf of the inmate.

40 (b) For the purpose of establishing such discharge savings account,  
41 the commissioner may impose a deduction of up to ten per cent on all  
42 deposits made to the inmate's individual account, provided the  
43 commissioner (1) transfers such deduction to the inmate's discharge  
44 savings account, and (2) ceases imposition and transfer of such  
45 deduction whenever the amount in the inmate's discharge savings  
46 account is equal to five hundred dollars.

47 (c) If the amount in the inmate's discharge savings account is equal  
48 to five hundred dollars, the commissioner shall impose a deduction of  
49 ten per cent on all deposits made to the inmate's individual account to  
50 the extent necessary to reimburse the state for the costs of the inmate's  
51 incarceration pursuant to section 18-85a of the general statutes, as  
52 amended by this act, and the regulations adopted pursuant to said  
53 section 18-85a.

54 (d) Disbursement to the inmate from the inmate's discharge savings  
55 account shall be reduced by any disbursement required by sections 18-  
56 85, 18-85c and 18-101 of the general statutes, as amended by this act.

57 (e) The commissioner may adopt regulations, in accordance with the  
58 provisions of chapter 54 of the general statutes, to implement this  
59 section.

60 Sec. 3. Section 18-85a of the general statutes is repealed and the  
61 following is substituted in lieu thereof (*Effective July 1, 2007*):

62 (a) The Commissioner of Correction shall adopt regulations, in  
63 accordance with the provisions of chapter 54, concerning the  
64 assessment of inmates of correctional institutions or facilities for the  
65 costs of their incarceration.

66 (b) The state shall have a claim against each inmate for the costs of  
67 such inmate's incarceration under this section, and regulations  
68 adopted in accordance with this section, for which the state has not  
69 been reimbursed. Any property owned by such inmate may be used to  
70 satisfy such claim, except property that is: (1) Exempt pursuant to  
71 section 52-352b or 52-352d, except as provided in subsection (b) of  
72 section 52-321a; (2) subject to the provisions of section 54-218; (3)  
73 acquired by such inmate after the inmate is released from  
74 incarceration, but not including property so acquired that is subject to  
75 the provisions of section 18-85b, 18-85c or 52-367c, and except as  
76 provided in subsection (b) of section 52-321a; [or] (4) acquired by such  
77 inmate for work performed during incarceration as part of a program

78 designated or defined in regulations adopted by the Commissioner of  
79 Correction, in accordance with the provisions of chapter 54, as a job  
80 training, skill development or career opportunity or enhancement  
81 program; or (5) deposited in a discharge savings account pursuant to  
82 section 2 of this act, not in excess of five hundred dollars. In addition to  
83 other remedies available at law, the Attorney General, on request of  
84 the Commissioner of Correction, may bring an action in the superior  
85 court for the judicial district of Hartford to enforce such claim,  
86 provided no such action shall be brought but within two years from  
87 the date the inmate is released from incarceration or, if the inmate dies  
88 while in the custody of the commissioner, within two years from the  
89 date of the inmate's death, except that such limitation period shall not  
90 apply if such property was fraudulently concealed from the state.

91 Sec. 4. Section 18-101 of the general statutes is repealed and the  
92 following is substituted in lieu thereof (*Effective July 1, 2007*):

93 (a) When any person to whom privileges have been granted under  
94 section 18-90b or 18-100 is employed for compensation, the  
95 Commissioner of Correction or [his] the commissioner's designee shall  
96 collect such compensation or require such person to deliver to [him]  
97 the commissioner the full amount [thereof] of such compensation  
98 when received. The commissioner or such designee shall deposit such  
99 funds in trust in an account and shall keep a record showing the status  
100 of the account of each person. Compensation received by such person  
101 during [his] such person's term of imprisonment shall not be subject to  
102 levy or attachment.

103 (b) On granting privileges to any person under section 18-90b or 18-  
104 100, the commissioner or [his] the commissioner's designee shall  
105 disburse any compensation earned by such person in accordance with  
106 the following priorities: (1) Federal taxes due; (2) restitution or  
107 payment of compensation to a crime victim ordered by any court of  
108 competent jurisdiction; (3) payment of a civil judgment rendered in  
109 favor of a crime victim by any court of competent jurisdiction; (4)

110 victims compensation through the criminal injuries account  
111 administered by the Office of Victim Services; (5) state taxes due; (6)  
112 support of [his] such person's dependents, if any; (7) [his] such  
113 person's necessary travel expense to and from work and other  
114 incidental expenses; and (8) costs of such person's incarceration under  
115 section 18-85a, as amended by this act, and regulations adopted in  
116 accordance with said section. [, and the] The commissioner shall pay  
117 any balance remaining to such person upon [his] the person's  
118 discharge including any amount transferred to a discharge savings  
119 account pursuant to section 2 of this act. Each person gainfully self-  
120 employed shall pay to the commissioner the costs of such person's  
121 incarceration under section 18-85a and regulations adopted in  
122 accordance with said section, and on default in payment thereof [his]  
123 the person's participation under section 18-100 shall be revoked.

124 (c) The commissioner or [his] the commissioner's designee shall  
125 notify the Commissioner of Social Services and the welfare department  
126 of the town where the dependents of any person employed under the  
127 provisions of section 18-100 reside of the amounts of any payments  
128 being made to such dependents.

129 Sec. 5. Section 54-102h of the general statutes is repealed and the  
130 following is substituted in lieu thereof (*Effective October 1, 2007*):

131 (a) (1) The collection of a blood or other biological sample from  
132 persons required to submit to the taking of such sample pursuant to  
133 subsection (a) of section 54-102g shall be the responsibility of the  
134 Department of Correction and shall be taken at a time and place  
135 specified by the Department of Correction.

136 (2) The collection of a blood or other biological sample from persons  
137 required to submit to the taking of such sample pursuant to subsection  
138 (b) of section 54-102g shall be the responsibility of the Department of  
139 Public Safety and shall be taken at a time and place specified by the  
140 sentencing court.

141 (3) The collection of a blood or other biological sample from persons  
142 required to submit to the taking of such sample pursuant to subsection  
143 (c) of section 54-102g shall be the responsibility of the Commissioner of  
144 Mental Health and Addiction Services or the Commissioner of Mental  
145 Retardation, as the case may be, and shall be taken at a time and place  
146 specified by said commissioner.

147 (4) The collection of a blood or other biological sample from persons  
148 required to submit to the taking of such sample pursuant to subsection  
149 (d) of section 54-102g shall be the responsibility of the Judicial  
150 Department if such person is serving a period of probation and of the  
151 [Board of Pardons and Paroles] Department of Correction if such  
152 person is serving a period of parole and shall be taken at a time and  
153 place specified by the Court Support Services Division or the [Board of  
154 Pardons and Paroles] Department of Correction, as the case may be.

155 (5) The collection of a blood or other biological sample from persons  
156 required to submit to the taking of such sample pursuant to subsection  
157 (e) of section 54-102g shall be the responsibility of the agency in whose  
158 custody or under whose supervision such person has been placed, and  
159 shall be taken at a time and place specified by such agency.

160 (b) Only a person licensed to practice medicine and surgery in this  
161 state, a qualified laboratory technician, a registered nurse or a  
162 phlebotomist shall take any blood sample to be submitted to analysis.

163 (c) No civil liability shall attach to any person authorized to take a  
164 blood or other biological sample as provided in this section as a result  
165 of the act of taking such sample from any person submitting thereto, if  
166 the blood or other biological sample was taken according to  
167 recognized medical procedures, provided no person shall be relieved  
168 from liability for negligence in the taking of any such sample.

169 (d) Chemically clean sterile disposable needles and vacuum draw  
170 tubes shall be used for all blood samples. The tube or container for a  
171 blood or other biological sample shall be sealed and labeled with the

172 subject's name, Social Security number, date of birth, race and gender,  
 173 the name of the person collecting the sample, and the date and place of  
 174 collection. The tube or container shall be secured to prevent tampering  
 175 with the contents.

176 (e) The steps set forth in this section relating to the taking, handling,  
 177 identification and disposition of blood or other biological samples are  
 178 procedural and not substantive. Substantial compliance therewith shall  
 179 be deemed to be sufficient. The samples shall be transported to the  
 180 Division of Scientific Services within the Department of Public Safety  
 181 not more than fifteen days following their collection and shall be  
 182 analyzed and stored in the DNA data bank in accordance with sections  
 183 54-102i and 54-102j.

184 Sec. 6. Section 18-96 of the general statutes is repealed. (*Effective*  
 185 *October 1, 2007*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2007</i>	18-85
Sec. 2	<i>July 1, 2007</i>	New section
Sec. 3	<i>July 1, 2007</i>	18-85a
Sec. 4	<i>July 1, 2007</i>	18-101
Sec. 5	<i>October 1, 2007</i>	54-102h
Sec. 6	<i>October 1, 2007</i>	Repealer section

***Statement of Purpose:***

To (1) provide for discharge savings accounts for inmates, (2) require the Department of Correction, rather than the Board of Pardons and Paroles, to collect a blood or other biological sample from a person serving a period of parole, and (3) repeal certain provisions regarding the discharge of mentally ill prisoners.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*